

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

WHITE, *et al.*

Group Art Unit: TBD

Serial No.: 10/518,188

Examiner: TBD

Filed: 12/16/2004

Docket No. 62020-1800

For: **ADSORBENTS, METHODS OF PREPARATION AND METHODS OF USE
THEREOF****PETITION UNDER 37 C.F.R. §1.47(a) REGARDING UNCOOPERATIVE
INVENTOR**Mail Stop PCT (DO/EO/US)
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RECEIVED

26 JAN 2006

Sir:

Legal Staff
International Division

We submit this Petition Under 37 C.F.R. 1.47(a) due to one of the inventors, Mr.

Robert Chiang, not wishing to sign the Oath and Declaration and Assignment.

Our client has been diligent in attempting to contact Mr. Chiang and providing him with the necessary formal documents for execution. In that regard, we enclose a copy of a reporting letter dated November 4, 2005 reporting that our client was unable to obtain Mr. Chiang's signature (Exhibit A). Also enclosed is an e-mail from our client regarding the many attempts to get Mr. Chiang to sign the required documents to no avail (Exhibit B). Also enclosed is the reporting letter dated December 7, 2005 to Mr. Chiang requesting in writing that he sign and date the Oath and Declaration and Assignment, and we also enclose a copy of the Return Receipt (Exhibit C), showing that Mr. Chiang did receive the formal documents. Lastly, enclosed is a Declaration of Geoffrey L. Chase. Mr. Chiang still has not

signed the documents and sent them back to our client (Exhibit D). Due to these circumstances, we are filing this Petition Under 37 CFR 1.47(a).

We enclose the necessary Petition fee of \$200.00. However, if the Office believes that additional fees may be required, the Office is authorized to charge any deficiency to Deposit Account No. 20-0778.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. B. Linder', written over a horizontal line.

Christopher B. Linder, Reg. No. 47, 751

THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500

Air Products and Chemicals, Inc.
7201 Hamilton Boulevard
Allentown, PA 18195-1501
Telephone (610) 481-4911

VIA FEDERAL EXPRESS

11/04/2005

Ms. Julie Campbell, Legal Assistant
THOMAS, KAYDEN, HORSTEMEYER & RISLEY LLP
100 Galleria Parkway
Suite 1750
Atlanta GA 30339

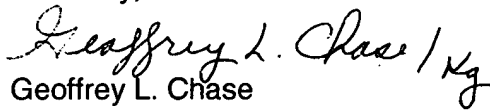
RE: "Absorbents, Methods of Preparation and Methods of Use
Thereof"
Our Docket No: 06823 USA

Dear Ms. Campbell:

This letter is in response to your email to Scott Wiegel on September 14, 2005 requesting signatures of our inventors in the above-referenced case. We apologize for the delay in returning the documents. Unfortunately, Mr. Robert Chiang has refused to sign the documents after concerted efforts to get him to sign.

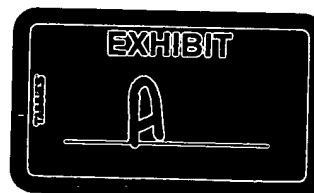
I am enclosing the documents which have been signed and notarized by the two remaining Air Products inventors. If you have any questions regarding this matter, please don't hesitate to contact me at (610) 481-7265. Thank you for handling this matter.

Sincerely,


Geoffrey L. Chase
Attorney-Intellectual Property

Encs.

kg / N:\GLC\LETTERS\6823\LTR.DOC



Julie

-----Original Message-----

From: Chase, Geoffrey L. [mailto:CHASEGL@airproducts.com]
Sent: Wednesday, November 30, 2005 9:24 AM
To: Campbell, Julie
Subject: RE: GT No. 2485 (62020-1800) - Application No. 10/518,188

I'll assume Rose does not review her emails during her maternity leave.

I personally called Mr. Chiang after sending him a letter and spoke to him for an hour to try to convince him to sign the paperwork, offering him the standard Air Products inventor award of \$500, but he refused to cooperate. If you wish to have me sign a declaration to that effect, I will be happy to do so.

Please refer to my Docket No. 06823 USA in all future correspondence, thanks.

-----Original Message-----

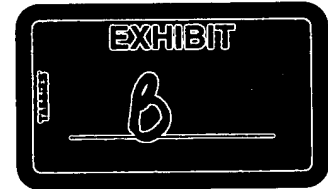
From: Campbell, Julie [mailto:Julie.Campbell@tkhr.com]
Sent: Wednesday, November 30, 2005 9:02 AM
To: Chase, Geoffrey L.
Subject: FW: GT No. 2485 (62020-1800) - Application No. 10/518,188

Hello Mr. Chase - I'm not sure if Rosaleen has checked her e-mails or not, but I wanted to obtain this information as soon as possible since the due date is 12/03/05. Please let me know if there is such backup information you can fax me. Thank you.

Julie Campbell

-----Original Message-----

From: Campbell, Julie
Sent: Tuesday, November 29, 2005 5:53 PM
To: 'MORRISRP@apci.com'
Subject: FW: GT No. 2485 (62020-1800) - Application No. 10/518,188



Dear Rosaleen - I am in receipt of Mr. Chase's letter and the Declaration and Assignments on behalf of Air Products, and the fact that Mr. Robert Chiang has refused to sign.

We will need to file a Petition with the U.S. Patent and Trademark Office regarding an uncooperative inventor. However, we will need from you supporting documents (i.e., e-mails, letters and other attempts to get Mr. Chiang to sign the declaration). Can you obtain this information and fax to me as soon as possible? The due date for filing this Petition is December 3 (with 2 Mo. Extension of Time).

Thank you for your assistance in this matter.

Julie Campbell
Legal Assistant to Scott Horstemeyer
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
100 Galleria Parkway, Suite 1750
Atlanta, Georgia 30339
Voice: 770-933-9500
Fax: 770-951-0933
Email: julie.campbell@tkhr.com
Website: www.tkhr.com

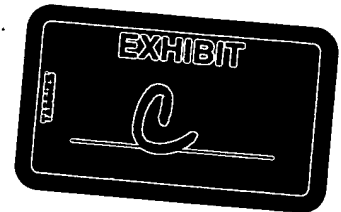
THIS MESSAGE IS CONFIDENTIAL AND MAY CONTAIN PRIVILEGED ATTORNEY-CLIENT COMMUNICATIONS AND WORK PRODUCT. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE DELETE IT AND IMMEDIATELY NOTIFY THE SENDER.



Law Group
Air Products and Chemicals, Inc.
7201 Hamilton Boulevard
Allentown, PA 18195-1501
Telephone (610) 481-7351
Fax: Law (610) 481-8223
Patent (610) 481-7083

7 December 2005

Via Certified Mail, Return Receipt Requested



Mr. Robert L. Chiang
11 Govenor Drive
Basking Ridge NJ 07920

Re: Docket No. 06823 USA
"Absorbents, Methods of Preparation and Methods of Use Thereof"

Dear Bob:

I hope you and your wife are doing well. I am writing to you again in hopes that you will reconsider your decision not to sign the Declaration and Assignment in the above-referenced case. Please remember that the Assignment must be signed in the presence of a Notary. If we do not hear from you within three weeks, we will file a Petition of Uncooperative Inventor with the USPTO.

Please sign the documents and return them in the enclosed FedEx envelope I have provided. Upon completion of the documents, I will forward to you the standard Air Products

ARTICLE
7160 3901 9842 6014 0755
NUMBER

LINE 1•

Mr. Robert L. Chiang
11 Govenor Drive
Basking Ridge NJ 07920

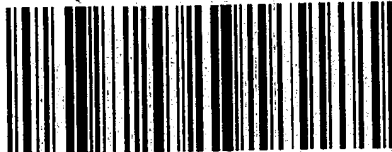
A2U



FORM #35662W LABEL
www.walzpostal.com
1-800-882-3811

REFERENCE:

2. Article Number



7160 3901 9842 6014 0755

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No

1. Article Addressed to:

Mr. Robert L. Chiang
11 Governor Drive
Basking Ridge NJ 07920

(A2U 33880)

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

R. Chiang

12-10-05

C. Signature

X

R. Chiang

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes

☒ No

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Confirmation No. 5578

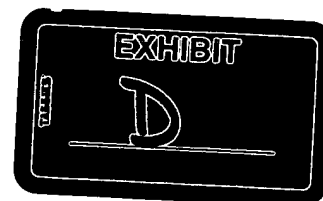
WHITE, *et al.*

Serial No: 10/518,188

Docket No.: 062020-1800

PCT Filing Date: 06/19/2003

For: ADSORBENTS, METHODS OF PREPARATION,
AND METHODS OF USE THEREOF



**DECLARATION OF GEOFFREY L. CHASE
REGARDING UNCOOPERATIVE INVENTOR, ROBERT CHANG**

I, **Geoffrey L. Chase**, hereby state the following facts:

1.

I am the Intellectual Property Attorney for Air Products and Chemicals, Inc. located in Allentown, Pennsylvania.

2.

I arranged to have the inventors Scott Wiegel and Robert Chiang (both employees of Air Products) sign the Declaration and Power of Attorney and Assignment documents (with a full copy of the application and drawings attached) for the above application.

It should be noted that Scott Wiegel and Robert Chiang are under an obligation to assign the rights of the patent application to Air Products.

Scott Wiegel signed the documents; however, Robert Chiang refused to sign them.

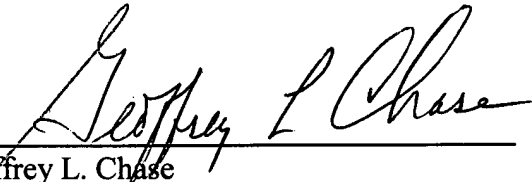
3.

After a diligent effort was made to obtain the signature of Robert Chiang, I personally called Mr. Chiang after sending him a letter and spoke to him for an hour to try and convince him to sign the paperwork, offering him the standard Air Products inventor award, but he refused to cooperate. See Exhibit A, e-mail of November 30, 2005.

4.

I sent Mr. Chiang a certified letter with the required documents on December 7, 2005, return receipt requested, and have not received any signed documents back from him, even though he received and signed for them on December 10, 2005. See Exhibit B.

I hereby declare: (a) that all statements made herein of my own knowledge are true; (b) that all statements made on information and belief are believed to be true; (c) that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and (d) that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Geoffrey L. Chase
Attorney-Intellectual Property
Air Products and Chemicals, Inc.
7201 Hamilton Boulevard
Allentown, PA 18195-1501

Date: January 9, 2006